No. 223.

Motion to advance.

FILED
OCT 8 1900
JAMES H. McKENNEY,
Clerk.

Filed Oct. 8, 1900.

Supreme Court of the United States,

October Term, 1900.

No. 223

A. L. GUSMAN, APPEARING IN BEHALF OF SAM WRIGHT, APPELLANT,

versus

L. H. MARRERO, SHERIFF OF THE PARISH OF JEFFERSON, STATE OF LOUISIANA, APPELLEE.

Motion by Appellee to advance case for hearing.

Notice of Motion and Affidavit.

ROBERT J. PERKINS,
Of Counsel for Appellee.

Palfray-Dameron Co., L't'd, 304 Camp St., New Orleans, La.

IN THE

Supreme Court of the United States,

October Term, 1900.

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A. L. GUSMAN, APPEARING IN BEHALF OF SAM WRIGHT, APPELLANT,

versus

L. H. MARRERO, SHERIFF OF THE PARISH OF JEFFERSON, STATE OF LOUISIANA, APPELLEE.

Motion by Appellee to advance case for hearing.
Notice of Motion and Affidavit.

Now into this Honorable Court comes Louis Herman Marrero, Sheriff of the Parish of Jefferson, State of Louisiana, appellee in the above entitled cause, and moves the Court for an order advancing said cause on the docket of this Court, and setting the same down for a hearing on a particular day, for the following reasons, to-wit:

First. This appeal is taken from a judgment of the United States Circuit Court for the Eastern District of Louisiana, denying the application of the appellant, "mandamusing and ordering" appellee, Sheriff of the Parish of Jefferson, "to restore Sam Wright to that liberty he has been wrongfully depriving him of."

The appellant was convicted of violating Article 850 of the Revised Statutes of Louisiana, relating to the crime of breaking and entering a dwelling-house in the night-time, being armed with a dangerous weapon, with intent to commit rape, etc., and making an actual assault upon one of the inhabitants thereof.

Sentence of death was passed upon him by the Twenty-first Judicial District Court for the Parish of Jefferson, State of Louisiana, and no appeal was taken to a higher State Court.

The verdict was rendered on December 11th, 1899; sentence was passed a few days afterwards, and the Governor of Louisiana fixed February 9th, 1900, as the day for the execution.

On January 29th appellee was served with a notice of the proceedings taken by appellant in the United States Circuit Court, and although no restraining order had been asked for or granted,

appellee filed his answer immediately and asked that a speedy hearing be granted.

Judgment was rendered on February 6th, refusing demand of appellant, and, after argument, a new trial was refused on February 7th.

An appeal was taken to this Court, the order was signed and was served on appellee on the very hour of the day fixed for the execution.

The order of appeal ordered no stay of proceedings. The execution is now being delayed pending this appeal.

Second. The special reasons urged by appellee for the advancement of this cause on the docket of this Court are as follows:

The case involves the prompt administration of the criminal laws of the State of Louisiana.

That a great delay has already been occasioned in the punishment of a man found guilty of violating the criminal laws of the State, which is calculated to thwart and hamper the law officers of the State in carrying out their duties.

That a speedy determination of the cause by this Honorable Court is in the interest of law and order, and is a matter of the utmost importance of the people of the whole State.

Third. The facts upon which the foregoing grounds for this motion are based will more fully

appear from the transcript of the record of this cause on file, and from the affidavit of appellee attached hereto and filed herewith, and said record and affidavit are hereby referred to and by such reference made part of this motion.

ROBERT J. PERKINS,
Of Counsel for Appellee.

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1900.

A. L. Gusman, Appearing in Behalf of Sam. Wright, Appellant,

versus

L. H. Marrero, Sheriff of the Parish of Jefferson, State of Louisiana, Appellee.

Affidavit of Appellee in Support of Motion to Advance.

State of Louisiana, }
Parish of Orleans. }

L. H. Marrero, Sheriff of the Parish of Jefferson, State of Louisiana, to me personally known, being by me first duly sworn, doth depose and say:

I am the above named appellee and am fully conversant with all the facts and circumstances relating to case of the State of Louisiana versus

Sam. Wright, and with the proceedings taken by A. L. Gusman in his behalf.

I have carefully read the motion to advance in this cause, I believe that the appeal herein taken is taken solely for delay, and that it is of the greatest importance to the people of Louisiana that there be an early determination of the case, which otherwise would retard the administration of justice in the State and bring the State Courts and laws into public ridicule and contempt.

That the facts and allegations of the motion to advance are true and correct.

(Sig.) L. H. Morrow

Sworn to and subscribed before me this 16th day of August, 1900.

(Sig.) H. Gueno Dupre

A Notary Public in and for the City of New Orleans, Parish of Orleans, State of Louisiana.

Dead

Robert J. Perkins
Counsel for appellee

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1900.

A. L. Gusman, Appearing in Behalf of Sam. Wright, Appellant,

versus

L. H. Marrero, Sheriff of the Parish of Jefferson, State of Louisiana, Appellee.

Notice of Motion to advance case.

To Sam Wright, and A. L. Gusman, appearing in behalf of Sam Wright:

You and each of you will please take notice that the appellee, by his undersigned counsel, will, on the second Monday of October, 1900, at the opening of the Supreme Court of the United States on that day, or as soon thereafter as counsel can be heard, in the courtroom of said Court in the Capitol Building at Washington, District of Columbia, make and submit to this said Court the foregoing motion in writing (hereto attached), to advance this cause upon the docket of said Court and to have it set down for a particular day for hearing.

Said motion will be made upon the facts and grounds set forth in said written motion, which is hereby referred to and by such reference made a part of this notice.

There will be used upon the hearing of said motion and submitted therewith, the affidavit of appellee, hereto attached, and the record on file with the clerk of said Court in this cause.

Respectfully,

ROBERT J. PERKINS,

Of Counsel for Appellee.